

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 27, 2002. Claims 1-15, 17-21 and 35-49 are pending in the present case. Claims 1 and 13 have been amended and Applicant has added new Claims 35-49.

Applicant and Examiner conducted a brief telephone interview on March 27, 2003. During the interview, Examiner clarified that Applicant would be required to pursue the restricted claims in a subsequent case. Applicant and Examiner also discussed the transportation module of the present invention and the disclosure in U.S. Patent No. 5,878,416 to Harris et al.

Applicant respectfully submits that the amendments to the claims and the newly added claim are proper, do not constitute new matter, and will not create an additional burden on Examiner. The amendments to the claims and the newly added claims are merely to make more explicit that which was implicit, inherent or intrinsic from an overall view of the claims as originally submitted. Therefore, it is respectfully requested that such amendments to the claims, as well as the newly added claims, be entered.

ELECTION/RESTRICTION

In the Office Action mailed November 27, 2002, Examiner stated that newly added Claims 23-34 and amended Claim 22 were subject to election/restriction. In support, Examiner stated:

"I. Claims 1-21, drawn to an apparatus and method for allocating equipment, classified in class 705, subclass 28.

II. Claim 22, drawn to a method of allocating and purchasing equipment, classified in class 705, subclass 26.

III. Claim 23-34, drawn to an apparatus for allocating equipment combined with a compliance module or a work module or a graphical information module, classified in class 705, subclass 8+.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a method an apparatus for allocating equipment without the additional modules for purchasing or compliance testing or work planning or graphical information illustration. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 22-34 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03."

Applicant acknowledges the Examiner's restriction of Claims 22-24 and constructive election Claims 1-15 and 17-21.

REJECTION BASED ON 35 U.S.C. § 102

In the Office Action mailed November 27, 2002, the Examiner rejected certain claims under 35 U.S.C. § 102. In support of this rejection, the Examiner stated:

"Claims 1-13, 15 and 18-21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Harris et al.

Harris et al show an automated system and method for matching available equipment to a recipient including an equipment database 32 that includes attributes of the equipment, see col. 6, lines 40-43 and col. 8, lines 1-23, a database manager 33, a database maintenance module that loads the data into the database, an inquiry module 30, an inventory module that updates the data after a match, a transportation module that controls shipping, an installation and removal module that tracks the location history of the equipment, see col. 12, line 63 to col. 13, line 2 and col. 13, lines 30-38. Periodic searching of the database is disclosed in col. 6, line 36 and col. 11, lines 34-44."

Applicant has carefully reviewed U.S. Patent No. 5,878,416 to Harris et al. cited by Examiner, and Applicant has made certain amendments to independent Claims 1 and 13 to clarify Applicant's invention. As mentioned during the telephone interview with Examiner on March 27, 2003, Claim 1 includes a transportation module operable to record transportation information related to the transport of the equipment, and Claim 13 includes storing shipment attributes in the equipment information database related to the shipment of the piece of equipment from the central inventory location to one of the plurality of service centers.

In contrast, the text of the Harris reference cited by Examiner discloses only that "submitter 13 or the recipient may initiate the physical transfer of the item to the recipient using some or all of the allocation data" and "update inventory database 32 with new inventory data 34 for the matched item, for example, a new item location." In the Final Rejection, Examiner stated that "Recording a new location of the equipment is recording that the equipment was transported from the old to the

new location." Applicant respectfully submits that the transportation module of Claim 1 and shipping attributes of Claim 13 are directed to recording details related to shipment of the equipment from the central inventory to one of the service centers, not merely recording the new location of the equipment.

Applicant has amended Claim 1 and 13 to further clarify this novel aspect of the present invention. Applicant respectfully submits that the Harris reference only discloses recording the new location and fails to teach, disclose or suggest a transportation module, as provided in Applicant's Claim 1, operable to record a transportation information related to the transport of equipment, or storing shipment attributes in the equipment information database, as provided in Applicant's Claim 13, related to shipment of the piece of equipment from the central inventory location to one of the plurality of service centers.

Additionally, the present invention is directed to a novel distribution equipment information systems that provides for allocation of equipment at a central inventory location for delivery to service centers which service areas wherein the equipment is ultimately installed or removed. The present invention is capable of managing equipment dispersed over a large area serviced by multiple service centers. The equipment may be stored at the service centers on some basis before it is installed or after it is removed.

To clarify some of these novel aspects of the present invention, Claims 1 and 13 have been amended to provided for a plurality of service centers wherein the present invention

indicates the area where the equipment was installed and the service center associated with the area. In addition, Claim 13 has been further amended to include updating a removal information related to reasons for the removal of the equipments. Applicant submits that neither the Harris reference or other references, either alone or in combination, teach, disclose or suggest these additional aspect of recording the installation and removal of equipment within an area serviced by one of the plurality of service centers and further updating a removal information related to the reasons for removal. For all these reasons, Applicant respectfully requests Examiner to withdraw the rejection of Claims 1 and 13 and pass same to issue.

Applicant respectfully submits that Claims 2-13 and 18-21 provide additional novel aspects not shown in the references cited by Examiner and depend from allowable independent Claim 1. As such, Applicant respectfully request Examiner to withdraw the rejection of Claims 2-13 and 18-21 and pass same to issue.

Applicant has added new Claims 35-49 to further clarify the novelty of the present invention. Specifically, Claims 35-37 depend from at least independent Claim 1 and are directed to other aspects of the area where the equipment is installed and the association of the areas with the service centers.

New Claims 38-40 depend from at least independent Claim 1 and are directed to additional novel aspects of the installation/removal module of the present invention.

New Claims 41-42 depend from at least independent Claim 1 and further define the type of equipment.

New Claims 43-45 depend from at least independent Claim 1 and are directed to additional aspects of the transportation module.

New Claims 46-48 depend from at least independent Claim 13 and are directed to additional aspects of the area where the equipment is installed and the association of the areas with the service centers.

New Claim 49 depends from Claim 13 and defines additional aspects of the shipment attributes that are stored in the equipment information database.

Applicant respectfully submits that Claims 35-49 provide additional novel aspects that are not taught, suggested or disclosed by the references cited by Examiner. For this reason, Applicant earnestly seeks allowance of Claims 35-49 by Examiner.

REJECTION BASED ON 35 U.S.C. § 103

In the Office Action mailed November 27, 2002, the Examiner rejected certain claims under 35 U.S.C. § 103(a). In support of this rejection, the Examiner stated:

"Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al in view of Ruffolo et al. Harris et al show all the features of the applicant's claimed invention except the equipment being a transformer. Ruffolo et al disclose an inventory tracking system for transformers, see col. 1, line 22. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Ruffolo et al to include transformers in the equipment that is tracked in the system of Harris et al.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al in view of Ruffolo et al. Harris et al show all the features of the applicant's claimed invention except the bar code scanner. Ruffolo et

al disclose an inventory tracking system including a bar code scanner to enter data, see col. 4, lines 20-31. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Ruffolo et al to provide the system of Harris et al with a bar code scanner to enter data into the database."

Applicant has carefully reviewed U.S. Patent No. 6,041,288 to Ruffolo et al. The Ruffolo reference is directed to a system for tracking operating tolerances of building infrastructure equipment and comparing specification tolerances with actual operating parameters. (Abstract) Applicant respectfully submits that the Ruffolo reference does not disclose an inventory tracking system, but a system for technicians to "evaluate power equipment in a facility" by testing equipment to determine whether the equipment is being operated within acceptable tolerances. (Col. 1, Lines 63+ through Col. 2, Lines 1-48) In contrast, Harris is directed to a method for matching a business' property with recipients and only discloses office equipment, such as computers.

Applicant respectfully submits that Examiner has improperly combined these references since there is no suggestion or motivation to combine the Ruffolo and Harris references as proposed by Examiner. Claims 14 and 17 and depend from allowable independent Claim 1 and provide additional novel aspects that would not have been obvious based on the references cited by Examiner. As such, Applicant respectfully requests Examiner to withdraw the rejection of Claims 14 and 17 and pass same to issue.

CONCLUSION

For all the reasons mentioned herein, Applicant respectfully requests reconsideration. Applicant submits that the Application is in condition for allowance, and Applicant earnestly seeks such allowance of all claims currently pending in the application for the reasons stated herein. Should Examiner have any questions, comments, or suggestions in furtherance of the prosecution of this Application, please contact the undersigned by telephone at 214.979.3093. Applicant, through his attorney, stands ready to conduct a telephone interview with Examiner to review this Application if Examiner believes that such an interview would assist in the advancement of this Application.

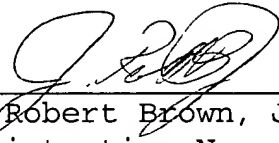
To the extent that any further fees are required during the pendency of this Application, including petition fees, the Commissioner is hereby authorized to charge payment of any additional fees, including, without limitation, any fees under 37 C.F.R. § 1.16 or 37 C.F.R. § 1.17, to Deposit Account No. 23-3189 of Hunton & Williams (Dallas) and reference Attorney Docket No. 82274.472013. In the event that any additional time is needed for this filing, or any additional time in excess of that requested in a petition for an extension of time, please consider this a petition for an extension of time for any needed extension of time pursuant to 37 C.F.R. § 1.136 or any other section or provision of Title 37. Applicant respectfully requests that the Commissioner grant any such petition and authorize the Commissioner to charge the Deposit Account referenced above. Please credit any overpayments to this same Deposit Account.

Attorney Docket No. 82274.472013
Customer No. 24347

AMENDMENT AND RESPONSE
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